

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Shoreline Capital Management, LTD.,

NO. C 08-00121 JW

Plaintiff,

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

v.

Xiaobing Sun,

Defendant.

On January 14, 2008, Plaintiff Shoreline Capital Management, Ltd.'s ("Shoreline")¹ filed an *Ex Parte* Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction, and for Leave to Conduct Expedited Discovery. (See Docket Item No. 16.)² The Court denied Plaintiff's TRO application and set a hearing on an Order to Show Cause Re: Preliminary Injunction. (See Docket Item No. 18.)

To obtain injunctive relief plaintiff must show either (1) a combination of probable success on the merits and the possibility of irreparable harm, or (2) that serious questions are raised and the balance of hardships tips sharply in the moving party's favor. See Roe v. Anderson, 134 F.3d 1400, 1402 (9th Cir. 1998); GoTo.com, Inc. v. Walt Disney Co., 202 F.3d 1199, 1204-1205 (9th Cir. 2000)

¹ (Complaint, Docket Item No. 1.)

² Plaintiff submits the following declarations in support of its motion: Declarations of Benjamin Fanger, Linlin Gong, Haiqiang Huang, Wei Wang, Yan Wen, Yonghui Wu, Linyu Yang, Weihong Ye, Xiaolin Zhang, and Deguang Zheng. (See Docket Item Nos. 6-15.)

(quoting Sardi's Restaurant Corp. v. Sardie, 755 F.2d 719, 723 (9th Cir. 1985). “These two formulations represent two points on a sliding scale in which the required degree of irreparable harm increases as the probability of success decreases.” Id.; See also Rodeo Collection Ltd. v. W. Seventh, 812 F.2d 1215, 1217 (9th Cir. 1987).

The Court conducted a hearing on January 25, 2008. Counsel for both parties appeared before the Court. Applying the above standards, and for the reasons stated on the record, the Court GRANTS Plaintiff's motion for a preliminary injunction.

It is hereby ORDERED that from the date of the hearing until further order of the Court, Defendant Xiaobing Sun, together with all of his officers, agents, servants, employees, representatives, attorneys and assigns, and all other persons, firms, or companies in active concert or participation with them, are preliminary enjoined from directly and indirectly from using, disclosing, or transmitting the **Shoreline Pricing Model** or the **Shoreline Debt Pricing Model** for any purpose.

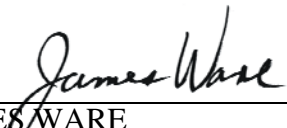
The Court will not require Plaintiff to post a security bond at this time because this Order only enjoins Defendant from using Plaintiff's alleged proprietary software. However, if Defendant believe that a bond is required for payment of such costs and damages as may be incurred or suffered by Defendant if Defendant is found to have been wrongfully enjoined, Defendant shall make a formal motion with the Court.

In addition, the Court GRANTS Plaintiff's motion for expedited discovery, and sets the following scheduling:

1. The parties shall mutually exchange all relevant discovery with respect to the parties' respective citizenship and domicile on or before **Monday, January 28, 2008, NOON, PST.**
2. The parties shall file their memorandums addressing the Court's subject matter jurisdiction on or before **Thursday, January 31, 2008.**
3. The parties shall comply to the Local Rules of this Court with respect to other discovery deadlines.

1 The parties are responsible for distributing a copy of this Order of the Preliminary Injunction
2 to any person in interest with them, so that all are aware of its terms.

3
4 Dated: January 25, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Charles Hyunchul Jung cjung@nassiri-jung.com
3 David H.S. Commins, david@commins.com

4 **Dated: January 25, 2008**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**
8 **Courtroom Deputy**